

REMARKS

Claims 1-154 are cancelled.

Claims 155-193 are in the application.

ART REJECTIONS

All of the claims are rejected under 35 U.S.C. § 102(e) as being anticipated by Vogel, US 5,253,066, or alternately, obvious under 35 U.S.C. § 103(a) over Vogel in view of Young (US 4,706,121) or Cambell et al. (US 4,536,791) or Wachob (US 5,155,591). Without prejudice or disclaimer, applicants note that Vogel claims priority from PCT/AU90/00226, which apparently published on Dec. 13, 1990.

The Examiner analogizes the manual or mental processes of the user in Vogel, in which the user must analyze the information, make correspondences, and make decisions based on displayed information, with the process according to the present claims. Without prejudice or disclaimer, applicants have amended the current claims to recite that the determining, or a relation, or correspondence, is performed automatically. In claim 155, the notification is also issued automatically.

It is also noted that, in the manner that the prior claims were interpreted by the Examiner to encompass mental steps also fails, since a user does not notify himself or otherwise generate an internal communication, thus distinguishing the prior claims, e.g., claim 155. Likewise, with respect to other claims, it is difficult to understand how knowledge possessed by a user is not “input” by that user. Therefore, it is respectfully submitted that the present amendments are made without prejudice or disclaimer, and are not being made for the purposes of patentability of otherwise unpatentable claims.

Each independent claim, except claim 182, has been amended without prejudice or disclaimer to recite that the characteristics are content characteristics. A content characteristic is an attribute of the media program itself, and not arbitrary or content-independent information associated with the media program. For example, the channel assignment or timeslot of a media program in a broadcast system is not a content characteristic of the program. Even assuming arguendo that the name or title of a program might be considered a content characteristic, this possibility is distinguished, by the claims. For example, claim 155 provides “automatically performing a search of said available media for a correspondence to data representing content characteristics of the previously selected media, wherein said data representing content characteristics are not received as an input from a human user; and automatically issuing a notification of available media having characteristics corresponding to, but not identical to previously selected media, wherein said media comprises a media program”. Vogel, at best, teaches and suggests only a complete match, not non-identical matches.

Claim 162 provides “a processor component configured to automatically determine a correspondence between data representing content characteristics of media within a set of available media programs with data representing content characteristics of previously delivered media, wherein said data representing content characteristics are not received as input from a human user, and producing a signal dependent on a degree of said correspondence” Vogel merely discloses a system which can only match a literal title, and thus there is no sensitivity to a degree of correspondence. Vogel is distinguished at least in that it does not teach or suggest producing a signal in dependence on a degree of correspondence.

Claim 168 provides “a processor for automatically searching media items available for selection and for presenting a recommendation of at least one available media item, based on a

degree of correspondence of said selection and content characteristics of available media items input independently of a human user.” Even assuming *arguendo* that the program classification function reveals content characteristics, Vogel is distinguished at least in that it does not make any recommendation in dependence on a media selection by the user; the functionality of Vogel, and in particular that described in Col. 4, lines 40-51, is different.

Claim 177 provides “automatically determining a degree of correspondence between data representing content characteristics a member of the set of available media programs and the data representing content characteristics of previously selected media.” Vogel is distinguished at least in that it does not determine a degree of correspondence.

Claim 179 provides “automatically determining a degree of correspondence of prior selections by the respective user and members of the set of available media programs based on at least the content parameters relating to prior selections by the respective user and the associated content parameters of members of the set of available media programs.” Vogel is distinguished at least in that it does not determine a degree of correspondence.

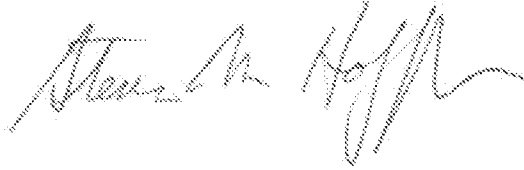
Claim 182 provides “automatically determining a degree of correspondence between content-dependent characteristics of available media and content-dependent characteristics of media previously selected by the respective user.” Vogel is distinguished at least in that it does not determine a degree of correspondence.

Claim 183 provides “automatically determining a relation between the available media and the media previously selected by the respective user, based on a respective plurality content characteristics of the available media and media previously selected by the respective user.” Vogel is distinguished at least in that it does not teach or suggest determining a relationship based on a plurality of content characteristics.

CONCLUSION

It is respectfully submitted that the application is in form for allowance. If any issues remain outstanding, the Examiner is respectfully invited to call the undersigned for an Interview.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven M. Hoffberg', written in a cursive style.

Steven M. Hoffberg
Reg. No. 33,511

MILDE & HOFFBERG, LLP
10 Bank Street - Suite 460
White Plains, NY 10606
(914) 949-3100